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C O N F I D E N T I A L SECTION 01 OF 02 BERLIN 001268

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LURIE

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SUBJECT: IRANIAN RESPONSE TO EU DEMARCHE ON DETAINED AMCITS

REF: STATE 080300

Classified By: Political Minister-Counselor John Bauman for reasons 1.4
(b)/(d)

¶1. (C) SUMMARY: The German MFA has provided details on the EU demarche carried out by the German Embassy in Tehran, in its role as EU President, to the Iranian MFA on June 19. The German CDA informed the Iranian MFA's Office Director for Human Rights Emadi of worldwide concern about the detention cases of five dual nationals (including four Iranian-Americans) and noted that these arrests cast a bad light on Iran. The German CDA also raised the detainees' status as dual citizens and that access to legal counsel had not yet been granted. The Iranian Office Director noted that the detainees will be treated as Iranian citizens as per Iranian law, that the investigations are not yet finished but that some confessions were already available, and that the detainees would be granted legal counsel. After the EU representatives raised a number of other human rights cases in Iran, Emadi presented the EU representatives with a laundry list of "documented" Western human rights violations, a number of which the EU representatives then rebutted. END SUMMARY.

¶2. (C) MFA Iran Desk Officer Florian Laudi provided Iranwatcher details of German Embassy Tehran's reporting cable on the June 19 demarche regarding the IRI's detention of four Iranian-American dual nationals (as listed in reftel) and a French-Iranian, as well as other Iranian human rights cases. The German CDA and his Portuguese counterpart delivered the demarche on June 19 to the MFA's Office Director for Human Rights, a Mr. Emadi.

¶3. (C) Laudi provided the following details from the reporting cable:

¶4. (C) The German CDA began by discussing the five dual national cases as a complex, noting the EU-specific and international connections of the detainees, including Haleh Esfandiari's Austrian heritage and Kian Tajbakhsh's work with the World Bank, as well as his work at the behest of the Iranian government. The German CDA noted that the EU, and the entire world, has observed the cases in Iran with great concern, noting that it casts a bad light on Iran. The cases will not go unnoticed and have already gained attention. The EU and others will carefully watch. The impression arises that this is another attempt to intimidate Iranian journalists and academics, especially dual citizens.

¶5. (C) Emadi noted that the five dual nationals (four Iranian-Americans and one Iranian-Frenchwoman) are Iranian citizens; according to Iranian law, they will be treated as such regardless of their second citizenship. There are no exceptions to this. The German CDA then noted the ages of

the Iranian-Americans, noting that it was improbable they would call for a velvet revolution. Emadi took note of this, but countered that Iranian law does not consider preferential treatment based on age and that no differentiation exists. He said that all of the dual citizens have acted against national security and public order but did not detail these charges. The investigations are not yet finished; however, confessions of some we already available.

¶6. (C) The German CDA then addressed reports that the prisoners had not yet been granted access to legal counsel. He noted reports that lawyer Shirin Ebadi, who has reportedly been retained as counsel by a number of the detained AmCits' families (in particular Haleh Esfandiari), had not yet been granted access to either her clients nor to their case files.

Emadi countered that this was not true and that Ms. Ebadi could take on these cases. All five of the cases are still being investigated; only after the conclusion of the investigation could he give a final report.

¶7. (C) The EU demarche addressed a number of other recent human rights cases in Iran. Regarding reports of the execution of an Iranian who was executed for crimes committed as a minor, Emadi said he was not informed and would pass it to the MOJ, but ventured to guess that it was in connection to his membership in a radical group. In the case of bus workers' union leader Mansoor Ossanlou, Emadi stated that Ossanlou is currently in the UK participating in a labor conference. Emadi stated that Ossanlou gave a VOA interview on June 24 and said he had no trouble renewing his passport or exiting the country, and that he and plans to return to Iran. Emadi said that in the case of Ayatollah Seyyed Hossein Kazemeyni Boroujerdi, no death sentence is current in place; according to Iranian justice officials, such a

BERLIN 00001268 002 OF 002

sentence is not expected.

¶8. (C) Emadi then presented a lengthy laundry list of human rights "violations" in the West that have been documented by an Iranian human rights "Monitoring Center." Stating that Western European countries do not have the sole representative authority on human rights issues, he mentioned, among other issues, discrimination against religious minorities, and especially Muslims, in Europe; the treatment of G-8 Summit demonstrators by German police; Europe's ambivalent stance on U.S. facilities at Guantanamo Bay; the criminal prosecution in France of a participant in the 2006 Tehran Holocaust conference; anti-veiling laws in Belgium; the knighting of Salman Rushdie, calling it an insult to all Muslims; as well as the exclusion of the "Friedman family case" in Vienna, where five Austrian children have reportedly been refused entry into both private and public schools. In reply to Emadi's list, the German CDA noted that in the case of the G-8 Summit, the right of assembly and to demonstrate was most certainly provided and that security had acted proportionately and as required to provide protection to the delegations. He also added that the case of the French prosecution is an example of how Holocaust denial can be prosecuted in some European countries, a point that would also apply to Iranian President Mahmood Ahmadinejad's statements on the Holocaust. In response to the statements about European veiling laws, the Portuguese representative asked why the Iranian government is so strict about its own dress codes. (NOTE: Desk Officer Laudi commented that Emadi's retort was unexpected and that a number of the cases cited, especially the Austrian case, were strange.)

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